

### REMARKS

After the above amendments, Claims 18, 20 and 22-24 are pending.

Claims 13, 16-17 and 23-24 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 1-3, 6, 11-13, 16-18, 20, 23 and 25-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,486,920 to Arai et al. ("Arai") in view of U.S. Patent Application Publication No. 2003/0195863 to Marsh, in view of U.S. Patent Application Publication No. 2005/0047752 to Wood et al. ("Wood"), in view of U.S. Patent Application Publication No. 2003/0159145 to Kaltz, and further in view of U.S. Patent Application Publication No. 2003/0093792 to Labeeb et al. ("Labeeb").

Claims 22 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Arai in view of Marsh, in view of Wood, in view of Kaltz, in view of Labeeb, and further in view of U.S. Patent Application Publication No. 2005/0044565 to Jerding et al. ("Jerding").

Claims 18, 23 and 24 have been amended, as indicated above, for clarification. Claims 1-3, 6, 11-13, 16, 17 and 25-31 have been cancelled without prejudice or disclaimer. The rejections under §101 and §103 are traversed for at least the reasons described herein.

#### **Section 101 Rejections**

Claims 13, 16-17 and 23-24 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Assignee has cancelled Claims 13 and 16-17 without prejudice or disclaimer. As such, the rejections under §101 for Claims 13 and 16-17 are obviated. Assignee has amended Claims 23-24, as indicated above, to recite a computer program product, comprising a *non-transitory* computer readable storage medium, pursuant to the recommendation of the Examiner. In view of these amendments, reconsideration and withdrawal of the §101 rejections of Claims 23-24 are respectfully requested.

#### **Section 103 Rejections**

Claims 1-3, 6, 11-13, 16-18, 20, 23 and 25-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Arai, Marsh, Wood, Kaltz, and Labeeb. Assignee has cancelled Claims 1-3, 6, 11-13, 16-17 and 25-31 without prejudice or disclaimer. As such, the rejections under §103 for Claims 1-3, 6, 11-13, 16-17 and 25-31 are obviated.

Independent Claim 18, as amended, recites a method of displaying a programming guide of channel content in a distributed network, comprising:

receiving content tag information prior to receiving content to which a tag is directly appended ...;

evaluating content tag information...; and

displaying a personalized programming guide, wherein the personalized programming guide displays a preferred subset of available tagged content, wherein the preferred subset is based on the user profile, wherein the personalized programming guide displays at least one personalized channel having tagged content from at least two predetermined channels, wherein conflict is resolved between the tagged content from the at least two predetermined channels that match the user profile and occur at the same time by selecting tagged content from one of the at least two predetermined channels that matches a highest order preference in the user profile, and ***wherein the personalized programming guide excludes tagged content and excludes an identification of a channel number associated with excluded tagged content*** based on the at least one content rating in the user profile and based on the at least one programming type to exclude.

None of the cited references teach or suggest displaying a personalized programming guide that ***excludes tagged content and excludes an identification of a channel number associated with excluded tagged content***, as recited in Claim 18.

The primary reference, Arai, describes a receiving apparatus comprising a program information storing section for storing program information including program name, program start time and channel discriminating information, a program information search section for searching the program information stored in the program information storing section according to designated search conditions and for producing personalized program information resulting from the search, and a program guide display section for displaying a program guide including a personal channel including the personalized program information. (Arai, col. 2, lines 12-24). Arai also describes a system capable of searching programs according to a user's preference, and producing and displaying a "my channel" consisting of programs fulfilling the search conditions (e.g., fee) given from the user. (Arai, col. 8, lines 45-49). However, Arai does not describe or suggest displaying a personalized programming guide that excludes tagged content and that excludes an identification of a channel number associated with excluded tagged content, as recited in Claim 18. In fact, all of the programming guides described and illustrated in Arai include an identification of a channel associated with content.

The secondary references, Marsh, Wood, Kaltz, and Labeeb, fail to overcome the deficiencies of Arai. Marsh describes a media content description system that receives media content descriptions from one or more metadata providers. The Marsh media content description system stores metadata related to media content (e.g., a movie, a television show, or a song). The metadata that the media content description system stores is related to the content of the media, independent of when or where the media content is available. For example, the metadata stored in the media content description system may include the name of a movie, a list of actors in the movie, the name of the director of the movie, and one or more critic reviews of the movie. The metadata stored in the media content description system does not include television channels or times when a particular movie will be broadcast. The media content description system provides the stored metadata to content distribution systems, which provide the metadata, as well as the associated media content to users. (Marsh, para. 0033). Marsh is not concerned with media content at the user level; in fact, Marsh provides the stored metadata to third party content distribution systems who, in turn, provide the content and metadata to users. Moreover, Marsh does not teach or suggest displaying a personalized programming guide that *excludes tagged content and excludes an identification of a channel number associated with excluded tagged content*, as recited in Claim 18.

Wood describes a video data recorder that records television programs based on user-provided criteria via a user interface. (Wood, para. 0037). The user may specify criteria for recording shows including a show title, a keyword such as actor or director name or text from a description of the show, a show class (such as action, mystery, childrens, etc.) and rating information (both parental control and quality ratings). (Wood, para. 0042). The user can also specify the priority of the show. If two shows are scheduled to be recorded at the same time, the higher priority show will take precedent. The user may specify the number of shows in a series to record (e.g., keep the most recent two shows). In addition, the user may specify whether reruns are to be recorded and whether syndicated reruns are to be recorded (e.g., record reruns, but not syndicated reruns, record all reruns, etc.). (Wood, para. 0043). Wood also describes allowing a user to specify "negative" criteria--e.g., criteria indicating that a show is not to be recorded even if it otherwise meets criteria for recording. For example, a user may specify "Ignore all Sienfield" and that particular situation comedy would not be recorded even if there is general criteria to record situation comedies. In addition, in

such embodiments, the system may be configured such that shows meeting the negative criteria are not displayed when the channel guide data is displayed. (Wood, para. 0052). However, Wood fails to describe or suggest displaying a personalized programming guide that *excludes tagged content and excludes an identification of a channel number associated with excluded tagged content*, as recited in Claim 18.

Kaltz describes attribute content for content, such as television programs, that includes genre, title, actors' names, sports teams, and a plot summary. (Kaltz, para [0021]). However, Kaltz does not describe or suggest displaying a personalized programming guide that *excludes tagged content and excludes an identification of a channel number associated with excluded tagged content*, as recited in Claim 18.

Labeeb describes a method for displaying a TV program to a viewer, comprising receiving a plurality of TV programs, allowing the viewer to select one of the plurality of received TV programs for viewing, and responding to the viewer selection by controlling the programming displayed to the viewer in accordance with the viewer selection and with previously determined viewing preferences of the viewer. (Labeeb, para. 0003). Labeeb does not describe or suggest displaying a personalized programming guide that *excludes tagged content and excludes an identification of a channel number associated with excluded tagged content*, as recited in Claim 18.

Independent Claim 18 is not rendered obvious by the combination of Arai, Marsh, Wood, Labeeb, and Kaltz because all of the cited references, alone or in combination, fail to teach or suggest all of the recitations of Claim 18. As such, the rejection of independent Claim 18 under 35 U.S.C. §103 is overcome. Additionally, dependent Claims 20 and 22-24 are patentable at least by virtue of the patentability of independent Claim 18, from which they depend and respectfully request the allowance thereof.

### **Dependent Claims**

As each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Assignee does not believe that it is necessary to argue the allowability of each dependent claim individually. Assignee does not necessarily concur with the interpretation of these claims, or with the bases for rejection set forth in the Action. Assignee therefore reserves the right to address the patentability of these claims individually as necessary in the future.

In re: Matz  
Serial No.: 10/726,727  
Filed: December 2, 2003  
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### CONCLUSION

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

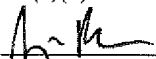


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